

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Richard Harris, Jr.,

Plaintiff,

v.

Case No. 10-10068

Honorable Sean F. Cox

Everhome Mortgage Company, *et al.*,

Defendants.

ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE

Acting *pro se*, Plaintiff filed this action on January 7, 2010.

On January 29, 2010, Defendants filed a Motion for Summary Judgement / Dismissal. (Docket Entry No. 7). On February 10, 2010, this Court sent written notice to the parties advising that Defendants had filed the above motion and scheduling the motion to be heard by the Court on April 1, 2010.¹ (Docket Entry No. 8).

Pursuant to Rule 7.1(b) of the Local Rules for the United States District Court for the Eastern District of Michigan, a “respondent opposing a motion must file a response, including a brief and supporting documents then available.” Rule 7.1(d) further provides that a response to a dispositive motion must be filed within 21 days after service of the motion.

Thus, if Plaintiff opposes Defendants’ pending motion, Plaintiff was required to file a brief in opposition to same within 21 days of service of the motion. Although the time permitted under Local Rule 7.1 for filing a response to the pending motion had passed, as of March 26, 2010, no brief in opposition to the motion had been filed by Plaintiff.

¹The Court later adjourned the April 1, 2010 hearing because Plaintiff had not filed a response.

Accordingly, Plaintiff was ordered to show cause, in writing, no later than April 7, 2010, why the unopposed pending Motion for Summary Judgment / Dismissal filed by Defendants should not be granted. (Docket Entry No. 9). In addition, that Order expressly cautioned Plaintiff as follows:

Plaintiff is cautioned that failure to timely respond to this Order may result in this action being dismissed for failure to prosecute.

(*Id.*) (bolding in original).

Nevertheless, Plaintiff has not responded to this Court's Show Cause Order or Defendants' motion. Accordingly, IT IS ORDERED that this action is hereby DISMISSED FOR FAILURE TO PROSECUTE.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: April 14, 2010

I hereby certify that on April 14, 2010, a copy of the foregoing document was served upon counsel of record by electronic means and upon Richard Harris, Jr. via First Class Mail at the address below:

Richard L Harris, Jr
6822 Ashbury Park
Detroit, MI 48228

s/Jennifer Hernandez
Case Manager